

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

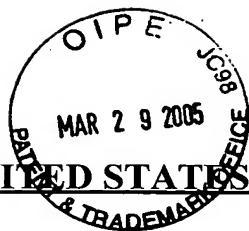
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/770,726	
	Filing Date	February 4, 2004	
	First Named Inventor	Eugene L. BROWN <i>et al.</i>	
	Group Art Unit	1631	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	031896-010000 (AM101079)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Other Enclosure(s): PTO-1449 w/copies of references
Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (031896-010000) for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	<u>Raymond Van Dyke, Reg. No. 34,746</u> Nixon Peabody LLP 409 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	March 29, 2005

CERTIFICATE OF MAILING	
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-746-4060.	
Date	Signature



Docket No. 031896-010000 (AM101079)
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Eugene L. BROWN *et al.*

Group Art Unit: 1631

Application No.: 10/770,726

Examiner: Not Yet Assigned

Filed: February 4, 2004

For: COMPOSITIONS AND METHODS FOR DIAGNOSING,
PREVENTING, AND TREATING CANCERS

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents is enclosed.

The documents are being submitted within three (3) months of the filing of this application or entry into the national stage of this application, or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

These documents were cited during the prosecution of the corresponding International application. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the Examiner. An English-language counterpart of the foreign-language document has not been provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 C.F.R. § 1.98 and M.P.E.P. § 609).


It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initial a copy of this form be returned to the undersigned.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

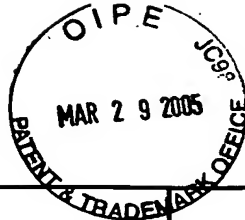
Respectfully submitted,

Date: March 29, 2005

By:


Raymond Van Dyke
Registration No. 34,746

NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
Telephone: (202) 585-8000



Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/770,726
				Filing Date	February 4, 2004
				First Named Inventor	Eugene L. BROWN <i>et al.</i>
				Art Unit	1631
				Examiner Name	Not Yet Assigned
Sheet	1	of	4	Attorney Docket Number	031896-010000 (AM101079)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		4,489,710	12-25-1984	Spitler	
		4,569,789	02-11-1986	Blattler et al.	
		4,625,014	11-25-1986	Senter et al.	
		4,638,045	01-20-1987	Kohn et al.	
		4,671,958	06-09-1987	Rodwell et al.	
		4,751,180	06-14-1988	Cousens et al.	
		4,935,233	06-19-1990	Bell	
		4,980,281	12-25-1990	Housey	
		5,151,254	09-29-1992	Arai et al.	
		5,266,464	11-09-1993	Housey	
		5,459,039	10-17-1995	Modrich	
		5,498,531	03-12-1996	Jarrell	
		5,688,635	11-18-1997	Parker et al.	
		5,877,007	03-02-1999	Housey	
		5,919,619	07-06-1999	Tullis	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ² (if known)				
		WO01/77377	10-18-2001	Olek et al.		
		WO01/94629	12-31-2001	Young et al.		
		WO95/17210	06-29-1995	Momin		
		WO97/09433	03-13-1997	Carr		
		WO99/04266	01-28-1999	Lane et al.		
		WO99/55844	11-04-1999	Hoekstra et al.		
		WO00/44895	08-03-2000	Kreutzer et al.		
		WO00/63364	10-26-2000	Pachuk et al.		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		DELGRAVE et al., <i>Protein Engineering</i> , 6:327-331, 1993	
		GAULTIER et al., <i>Nucleic Acids Res.</i> , 15:6625-6641, 1987	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/770,726
				Filing Date	February 4, 2004
				First Named Inventor	Eugene L. BROWN <i>et al.</i>
				Art Unit	1631
				Examiner Name	Not Yet Assigned
Sheet	2	of	4	Attorney Docket Number	031896-010000 (AM101079)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ² (if known)				
		WO01/29058	04-26-2001	Mello et al.		
		WO01/36646	06-25-2001	Zernicka-Goetz		
		WO01/68836	09-20-2001	Beach et al.		
		WO01/70949	09-27-2001	Graham et al.		
		WO01/75164	10-11-2001	Tuschl		
		WO01/92513	12-06-2001	Arndt		
		WO94/00153	01-06-1994	Prieels et al.		
		WO96/33739	10-31-1996	Garcon et al.		
		WO96/38591	12-05-1996	Guegler		
		WO97/07668	03-06-1997	Campbell et al.		
		WO97/07669	03-06-1997	Campbell et al.		
		WO97/24447	07-10-1997	Song et al.		
		WO04/0434069	05-27-2004	Deweese et al.		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KROGH et al., <i>J Mol. Biol.</i> , 305:567-580, 2001	
		KEEN et al., <i>Trends Genet.</i> , 7:5, 1991	
		LAGERSTROM et al., <i>PCR Methods Applic.</i> , 1:11-19, 1991	
		LAKSO et al., <i>Proc. Natl. Acad. Sci., USA</i> , 89:6232-6236, 1992	
		LAM, <i>Anticancer Drug Des.</i> , 12:145, 1997	
		LEE et al, <i>Nature Biotechnology</i> , 20:500-505, 2002	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/770,726
				Filing Date	February 4, 2004
				First Named Inventor	Eugene L. BROWN <i>et al.</i>
				Art Unit	1631
				Examiner Name	Not Yet Assigned
Sheet	3	of	4	Attorney Docket Number	031896-010000 (AM101079)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO99/14346	03-25-1999	Woolf		
		WO89/10134	11-02-1989	Pardridge <i>et al.</i>		
		EP1184665	03-06-2002	Ogawa <i>et al.</i>		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		MAHVI <i>et al.</i> , <i>Immunology and Cell Biology</i> , 75:456-460, 1997	
		MARATEA <i>et al.</i> , <i>Gene</i> , 40:39-46, 1985	
		MURPHY <i>et al.</i> , <i>Proc. Natl. Acad. Sci., USA</i> , 83:8258-8262, 1986	
		NEEDLEMAN and WUNSCH, <i>J. Mol. Biol.</i> , 48:444-453, 1970	
		O'GORMAN <i>et al.</i> , <i>Science</i> , 251:1351-1355, 1991	
		PARKER <i>et al.</i> , <i>Nucl. Acids. Res.</i> , 19 :3055-60, 1991	
		RAMIREZ DE MOLINA ANA <i>et al.</i> , "Overexpression of choline kinase is a frequent feature in human tumor-derived cell lines and in lung, prostate, and colorectal human cancers," <i>Biochemical and Biophysical Research Communications</i> , Vol. 294, No. 3, pages 580-583, August 23, 2002	
		ROSENBAUM and REISSNER, <i>Biophys. Chem.</i> , 265:12753, 1987	
		SATO <i>et al.</i> , <i>Science</i> , 273:352, 1996	
		SAIKI <i>et al.</i> , <i>Proc. Natl. Acad. Sci., USA</i> , 86:6230, 1989	
		Shen <i>et al.</i> , <i>Proc. Natl. Acad. Sci. USA</i> , 92:6778-6792, 1995	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/770,726
				Filing Date	February 4, 2004
				First Named Inventor	Eugene L. BROWN <i>et al.</i>
				Art Unit	1631
				Examiner Name	Not Yet Assigned
Sheet	4	of	4	Attorney Docket Number	031896-010000 (AM101079)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		SUI et al., <i>Proc. Natl. Acad. Sci. USA</i> , 99: 5515-5520 (2002)	
		ULMER et al., <i>Science</i> , 259:1745-1749, 1993	
		WANG et al., <i>Int'l Journal of Oncology</i> , Vol. 21, No. 1, 73-80 (2002)	
		WILMUT, I. et al., <i>Nature</i> , 385:810-813, 1997	
		ZELINSKI et al., <i>Cancer Research</i> , Vol. 61, No. 5, 2301-2306 (2001)	
		ZITVOGEL et al., <i>Nature Med.</i> , 4:594-600, 1998	
		ZUCKERMANN et al., <i>J. Med. Chem.</i> , 37:2678-85, 1994	
		PCT International Search Report; PCT/US2004/003371; September 16, 2004; 3 pages	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.